

following: that the “minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.”

Here, are our Founders saying: We experienced the supermajority. Don’t ever do it.

They wrote the Constitution so a supermajority was reserved only for special circumstances, like evicting Members, like considering a treaty, like overruling a Presidential veto.

So why are we here today doing exactly what the Founders said not to do and experiencing exactly the results that they had experienced under the Confederation Congress?

My friends, we have a responsibility to restore the function of this body. We need to streamline the nomination process. Think about how a nomination works. You vote to go to executive session. You have a motion to proceed to a nomination. You vote on proceeding. You hold a debate, you hold a vote, and then you proceed it, and then you hold a debate, and then you vote, and then you have 2 hours of postdebate, and then finally a vote. That is a crazy system to be able to consider a nomination. It takes up huge amounts of our time when a simple vote to proceed, limited debate, simple vote to proceed to on the floor, simple time to consider it, and a vote on whether or not you are going to allow the person to fill the position the person has been nominated for—this sort of streamlining would save us all a tremendous amount of time that could be dedicated to actual debate and actual amendments.

Then there is this use of a supermajority on motions to proceed to legislation, using a blockade to prevent debate, not to facilitate debate, as is sometimes argued for the supermajority—that it can slow things down, facilitate debate, make sure bills are read, make sure there is a chance of negotiation—no, to prevent debate. We shouldn’t spend time debating whether to debate. Let’s just have a set hour to consider whether to move to a bill, and then we either move to it or we don’t.

How about amendments? I noted the collapse of the ability of Senators to amend. Senators in the minority want to do amendments. Senators in the majority want to do amendments. We all have ideas and thoughts on how to change things and improve things. We want to make our case, but we don’t get to do it here anymore.

Don’t we have a bipartisan, vested interest in restoring amendments to the deliberations of the Senate? You know, I was pondering this question because we seem to be locked in a cycle where, given partisan differences in the Nation—partisan differences that are increased by social media and increased by cable television—we just can’t seem to come together to be able to make this place work as it is supposed to, as it is our responsibility to do. But we

have gotten to the point where we are utterly—utterly—damaging the United States of America.

You know, the President of China, President Xi, is saying: Hey, there is a world competition between democratic republics and an authoritarian world. Look what we have done in China. We went from bicycles, and then we had cars and traffic jams, and now we have bullet trains, 16,000-mile bullet trains. Look what we are accomplishing. Look how many millions are lifted out of poverty. Look how paralyzed the United States is.

Why is the United States paralyzed? Because this Chamber cannot discuss a simple debate and vote like every State legislature across this country does.

Colleagues, let’s come together. Let’s restore debate. Let’s restore amendments. Let’s save and savor and improve the ability of the minority to participate in the process, but let’s also remember that balance of the Senate involves getting to a final decision, a simple majority vote as the Founders had intended.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION OF JENNIFER SUNG

Mr. DURBIN. The Senate will soon be voting on a highly qualified nominee to the Ninth Circuit, Jennifer Sung.

She is a distinguished jurist who will bring an underrepresented perspective to the bench. She is a graduate of Oberlin and Yale Law School. She clerked for Judge Betty Binns Fletcher on the Ninth Circuit. She received a prestigious Skadden Fellowship and worked on economic legal issues at the Brennan Center. She spent more than a decade representing American workers, often minorities from low-income and underserved communities, in labor disputes.

In 2017, Oregon Governor Kate Brown appointed her to serve on the Oregon Employment Relations Board, known as the ERB. It is a three-member, quasi-judicial agency charged with resolving labor disputes. As a member of that board, she sits on a three-member panel that reviews evidentiary records, independently evaluates the law, and works in a collaborative manner to reach consensus on opinions and issues. If that sounds like the same process she would follow in Federal court, it is. In her nearly 5 years on that board, she has presided over more than 200 matters, and only 3 of the 200 have ever been overturned.

She has exhibited the kinds of qualities we expect of a circuit court nominee. She has been criticized for one thing that she did in her life, and some of her critics won’t forget it. She signed a letter that was opposed to Judge Kavanaugh’s nomination to the Supreme Court. She has testified under oath before our committee that some statements in that letter were, in fact, overheated. More importantly, she testified that she respects the authority of all members of the Supreme Court

and recognizes the importance of faithfully following law and precedent.

The best evidence of how she will serve on the circuit is her impressive record in the State of Oregon. When you look at that record, you see that she has the support not only of many colleagues but also of employees, unions, and employers. Here is what they said: “impressive intelligence, diligent preparation, respectful courtroom demeanor, and judicial impartiality.” How about that for a checklist for a judgeship?

When I hear some of my colleagues express outrage over one letter she signed in her life, I wonder if they remember some of the nominees that they brought before us in the last 4 years. It appears there is a double standard.

Ms. Sung has the strong support of Senators MERKLEY and WYDEN, and the American Bar Association rated her as “well qualified.” As the first Asian-American woman—she will be the first to hold the Oregon seat in the Ninth Circuit, bringing diversity to that bench. Her professional accomplishments and her commitment to fairness and impartiality are profound and impressive.

I support her, and I hope my colleagues will as well.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Prieto nomination, which the clerk will report.

The legislative clerk read the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

VOTE ON PRIETO NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Prieto nomination?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 460 Ex.]

YEAS—54

Baldwin	Casey	Gillibrand
Bennet	Collins	Hagerty
Blumenthal	Coons	Hassan
Booker	Cortez Masto	Heinrich
Brown	Cramer	Hickenlooper
Cantwell	Duckworth	Hirono
Cardin	Durbin	Hyde-Smith
Carper	Feinstein	Kaine